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Forests

Alleged prohibition of Mr. Charles Mohony from shooting in Bolampatti Valley forests.

* 122 Q.—Mr. G. Harisarvottama Rao: Will the hon. the Home Member and the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that the Chief Conservator of Forests recently made an order prohibiting Mr. Charles Mohony, Extra Assistant Conservator of Forests, from shooting in reserved forests of Bolampatti Valley for two years; and

(*b*) if so, whether the Government will be pleased to state why such prohibition was imposed upon the said officer?

A.—(*a*) The Chief Conservator has ordered that Mr. Mohony shall be prohibited from shooting in any reserved forest for a period of two years from 12th May 1926.

(*b*) The Chief Conservator disapproved of Mr. Mohony's conduct in a shooting accident which occurred in August 1925.

Mr. G. Harisarvottama Rao:—"May I know from the hon. Member concerned what exactly the accident was?"

The hon. Sir C. P. Ramaswami Ayyar:—"Shooting game."

Mr. G. Harisarvottama Rao:—"Did a man die?"

The hon. Sir C. P. Ramaswami Ayyar:—"I think he did."

Mr. G. Harisarvottama Rao:—"Does the Government think that prohibition from shooting for two years in the reserved forest is a sufficient punishment for a crime like that?"

The hon. Sir C. P. Ramaswami Ayyar:—"There was compensation given to the relations of the deceased. It was considered to be an accident. Looking into the matter the Government came to the conclusion that there were not materials for any other action."

Mr. G. Harisarvottama Rao:—"May I know what the compensation was?"

The hon. Sir C. P. Ramaswami Ayyar:—"Notice, Sir."

Mr. S. Satyamurti:—"May I know whether the matter was placed in the hands of the Police for investigation, and may I know what the materials were on which the Government came to its conclusion?"

The hon. Sir C. P. Ramaswami Ayyar:—"Notice."

Mr. T. Adinarayana Chettiyar:—"Has the Government satisfied itself that there was anything there to make this gentleman mistake a human being for something else?"

The hon. Sir C. P. Ramaswami Ayyar:—"He shot in the darkness; whether he ought not to have gone there, whether he was a competent shot and whether he was allowed to shoot there at all, were matters which the Government considered in coming to a conclusion. There was no intention on his part to shoot any human being and he did not know that any human being was there."

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Mr. G. Harisarvottama Rao :—"May I know whether one individual was shot or more?"

The hon. Sir C. P. Ramaswami Ayyar :—"One."

Mr. S. Satyamurti :—"In answer to my question as to whether the matter was placed in the hands of the Police, and what the materials were on which the Government came to the conclusion that compensation to the relatives would be sufficient, my hon. Friend the Law Member stated that he wanted notice. In answer to another question, he is able to give a lot of materials, that the European went there in darkness, that his intention was not to shoot any one, and so on. May I ask what the materials are on which he is making this statement, whether the matter came before the Government; or whether he is answering merely as the spokesman of the Chief Conservator?"

The hon. Sir C. P. Ramaswami Ayyar :—"I am not the spokesman of the Chief Conservator, in any way. The position is this. Out of courtesy to the hon. Member who put the question, out of courtesy to the House, I wanted to collect all the materials. I do remember certain circumstances connected with the matter and I have placed these materials before the House. If full materials are desired, those materials would be carefully collated and placed before the House."

Mr. G. Harisarvottama Rao :—"May I know if Mr. Mohony is allowed to carry arms?"

The hon. Sir C. P. Ramaswami Ayyar :—"If the idea is carrying arms for shooting, no."

Mr. G. Harisarvottama Rao :—"Is he permitted to carry arms even now?"

The hon. Sir C. P. Ramaswami Ayyar :—"To carry arms as an official or for shooting in the reserved forest?"

Mr. G. Harisarvottama Rao :—"As an individual living in India."

The hon. Sir C. P. Ramaswami Ayyar :—"There is no prohibition to any one living in India against carrying arms."

Mr. G. Harisarvottama Rao :—"Has the Government power to take away the licence of the man when he misuses arms?"

The hon. Sir C. P. Ramaswami Ayyar :—"It has, Sir."

Mr. G. Harisarvottama Rao :—"Then why has it not exercised this power?"

The hon. Sir C. P. Ramaswami Ayyar :—"It has exercised its power of prohibiting him from shooting."

Mr. G. Harisarvottama Rao :—"It has not exercised the power of withdrawing the licence."

11-30 a.m. Mr. Abdul Hamid Khan :—"Will the hon. the Law Member be pleased to state whether the alleged accident took place in the night and, if so, at what hour?"

The hon. Sir C. P. Ramaswami Ayyar :—"I want notice, Sir."

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Mr. P. BHAKTAVATSULU NAYUDU :—" Will the hon. the Law Member be pleased to state whether this case was referred to the Police at all for investigation ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I want notice, Sir."

Mr. P. BHAKTAVATSULU NAYUDU :—" May I know the nationality of the man who was shot dead ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not remember, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I know if there is any provision in the laws of the country by which a man may be left scotfree without being handed over to the Police for a murder of this kind ? "

The hon. the PRESIDENT :—" That is calling for opinion."

Mr. G. HARISARVOTTAMA RAO :—" I am not asking for any opinion."

The hon. the PRESIDENT :—" I rule that it is a question calling for opinion."

Mr. S. SATYAMURTI :—" May I know under what provision of law the Government acted, when they decided that in the circumstances of the case compensation would be tantamount to justice, and not prosecution for manslaughter or murder before a criminal court ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" It is not a question of law. The Government came to the conclusion that there is no material on which a successful prosecution can be launched. Therefore, they did not launch the prosecution, but found it necessary that this man should compensate the relations of the injured person."

Mr. S. SATYAMURTI :—" In view of that answer, may I ask the hon. the Law Member whether a full statement of the case was before the Government, and whether they consulted the law officers of the Crown, the Advocate-General or the Public Prosecutor and, if so, what their opinion was, and also whether, when the Government came to the conclusion that there was no case to go before a court of law to prosecute the man, they acted on the advice of their law officers or whether they acted as mere executive officers ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" The matter came up before the Government and was considered by them. What advice the law officers gave and whether we took advice are matters of which we do not generally give the details. I may assure the hon. Member that the legal aspect of the matter was considered."

Mr. S. SATYAMURTI :—" I do not ask for the details of the advice at all. I am asking a question of fact whether any law officer was consulted, whether his opinion was before the Government and whether the Government will be pleased to state who was the law officer consulted, an *ad-hoc* law officer appointed for the purpose, or statutory officers who usually advise the Government on such matters ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I want notice, Sir."

Mr. P. BHAKTAVATSULU NAYUDU :—" The hon. the Law Member said that unfortunately he could not remember the amount of compensation paid

to the deceased. Will he be pleased at least to state whether the compensation granted to the deceased was found adequate taking into consideration the loss incurred by the family in the death of that man?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"It was in that feeling that compensation was ordered."

Cultivable lands thrown out of cultivation in South Kanara, etc.

* 123 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member, the hon. the Member for Revenue and the hon. the Minister for Public Health be pleased—

(a) to place on the table of the House a statement showing the areas of cultivated lands thrown out of cultivation on account of the increase of malaria and wild beasts, etc., as a result of the rapid development of reserve forests in South Kanara, Malabar, Coimbatore and Nilgiris districts during the last twenty-five to fifty years; and

(b) to state what preventive steps Government propose to take in the matter?

A.—(a) & (b) The Government have no reason to think that any land has been thrown out of cultivation owing to the causes alleged. The area of cultivation has, on the other hand, largely increased.

Mr. J. A. SALDANHA :—"With reference to the answer to this question, may I ask the Government on what grounds they have given that answer?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"We have got facts and figures supporting the answer given. I will read out the figures for the information of this hon. House :—

	Fasli.	Acres.
The lands thrown open for cultivation in South Kanara in	1314	738,732
Do. do. ...	1334	944,558
The lands thrown open for cultivation in Malabar	1304	943,424
Do. do. ...	1334	1,343,088
a The lands thrown open for cultivation in Coimbatore	1304	2,409,805
Do. do. ...	1334	2,307,555
The lands thrown open for cultivation in the Nilgiris	1304	1,999,058
Do. do. ...	1334	192,024

a The decrease of 102,250 acres is due to the transfer of Karur taluk to the Trichinopoly district in Fasli 1320.

From these figures it will be seen that the area under cultivation has largely increased."

Mr. J. A. SALDANHA :—"My question is not whether the area has increased. Naturally there must be some increase in the area under cultivation. My question is whether, on account of increase of forests, lands have been thrown out of cultivation in the Nilgiris, etc. That question has not been answered?"